

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:08-CR-00109-RJC

USA )  
 )  
v. ) ORDER  
 )  
STEWARD SCHER )  
 )

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**THIS MATTER** comes before the Court on the defendant's pro se Motion to Modify Sentence, pursuant to 18 U.S.C. § 3582(c)(2). (Doc. No. 39).

Title 18, United States Code, Section 3582(c)(2) allows a court to reduce a sentence based on a guideline range that has been subsequently lowered by the Sentencing Commission. Here, Amendment 536 detailed by the defendant as affecting his sentence, (Doc. No. 39: Motion at 1), is not designated by the Commission as being retroactively applicable, USSG §1B1.10(a)(1), (d). Thus, he is not entitled to relief.

**IT IS, THEREFORE, ORDERED** that the defendant's Motion to Modify Sentence, (Doc. No. 39), is **DENIED**.

Signed: February 14, 2017

  
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Robert J. Conrad, Jr.  
United States District Judge  
